United Nations A/C.3/70/L.7

General Assembly

Distr.: Limited
15 October 2015

Original: English

Seventieth session
Third Committee
Agenda item 29 (a)
Advancement of women

Indonesia and Philippines: draft resolution

Violence against women migrant workers

The General Assembly,

Recalling all of its previous resolutions on violence against women migrant workers and those adopted by the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, and the Declaration on the Elimination of Violence against Women,[1]

Reaffirming the provisions concerning women migrant workers contained in the outcome documents of the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the Fourth World Conference on Women[4] and the World Summit for Social Development[5] and their reviews,

Reaffirming also the provisions concerning women migrants contained in the outcome document of the United Nations Conference on Sustainable Development,[6] and calling upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to encourage their active participation, as appropriate, in processes that contribute to decision-making, planning and implementation of policies and programmes for sustainable development at all levels,

---

[1] See resolution 48/104.
[2] A/CONF.157/24 (Part I), chap. III.
[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.
[4] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.
[5] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.
[6] Resolution 66/288, annex.

15-17947 (E) 191015

Please recycle

Welcoming the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",[7] in particular Goal 5, on achieving gender equality and empowering all women and girls, and target 8.8, on protecting labour rights and promoting safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment,

Acknowledging the role of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), including in supporting national efforts, to increase women's access to economic opportunities, including for women migrant workers, and to end violence against them, in the light of the UN-Women strategic plan, 2014-2017,[8] which has among its six goals increasing women's access to economic opportunities, and preventing violence against women and girls and expanding access to services for survivors, and acknowledging the policy and programmatic work of UN-Women on empowering women migrant workers,

Welcoming the political declaration adopted by the Commission on the Status of Women during its fifty-ninth session on the occasion of the twentieth anniversary of the Fourth World Conference on Women,[9] and taking note, in particular, of the pledge to take further concrete action to ensure the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action and the outcome documents of the twenty-third special session of the General Assembly,

Welcoming also the agreed conclusions adopted by the Commission on the Status of Women during its fifty-seventh session,[10] and taking note, in particular, of the commitment, as appropriate, to further adopt and implement measures to ensure the social and legal inclusion and protection of women migrants, including women migrant workers in countries of origin, transit and destination, promote and protect the full realization of their human rights and their protection against violence and exploitation, implement gender-sensitive policies and programmes for women migrant workers and provide safe and legal channels that recognize their skills and education, provide fair labour conditions and, as appropriate, facilitate their productive employment and decent work as well as integration into the labour force,

Recalling the declaration of the United Nations High-level Dialogue on International Migration and Development,[11] held on 3 and 4 October 2013, which reaffirmed the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability,

---

[7] Resolution 70/1.

[8] UNW/2013/6.

[9] *Official Records of the Economic and Social Council, 2015, Supplement No. 7* (E/2015/27), chap. I, sect. C, resolution 59/1, annex.

[10] See *Official Records of the Economic and Social Council, 2013, Supplement No. 7* (E/2013/27), chap. I, sect. A.

[11] Resolution 68/4.

Recalling also that the declaration recognized that women and girls account for almost half of all international migrants at the global level and the need to address the special situation and vulnerability of migrant women and girls by, inter alia, incorporating a gender perspective into policies and strengthening national laws, institutions and programmes to combat gender-based violence, including trafficking in persons and discrimination against them, and emphasized in this regard the need to establish appropriate measures for the protection of women migrant workers in all sectors, including those involved in domestic work,

Welcoming the adoption of Convention No. 189 and Recommendation No. 201 on decent work for domestic workers by the International Labour Conference on 16 June 2011, at its 100th session, and the entry of the Convention into force on 5 September 2013, and inviting States to consider ratifying it, encouraging States parties to the Convention on the Elimination of All Forms of Discrimination against Women[12] to take note of and consider general recommendation No. 26 on women migrant workers adopted by the Committee on the Elimination of Discrimination against Women in November 2008,[13] and encouraging States parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[14] to take note of and consider general comment No. 1 on migrant domestic workers adopted by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in December 2010,[15] acknowledging that they are complementary and mutually reinforcing,

Emphasizing the urgency of eliminating forced labour in all its forms and manifestations, in particular for migrant women, and in this regard welcoming the adoption by the International Labour Conference on 11 June 2014, at its 103rd session, of the Protocol to the Forced Labour Convention, 1930 (No. 29), and of Recommendation No. 203 on supplementary measures for the effective suppression of forced labour, of the International Labour Organization,

Recognizing the increasing participation of women of all skill levels in international migration, driven in large part by socioeconomic factors, and that this feminization of migration requires greater gender sensitivity in all policies and efforts related to the subject of international migration,

Recognizing also the continued and rising demand for women migrant workers in the care economy in host countries, where the failure to resolve care deficits and secure public provision of care has increased the demand for informal care work, particularly in the private sphere, and that care workers routinely face serious human rights abuses owing to the invisible nature of their workplace,

Stressing the shared responsibility of and need for cooperation among all stakeholders, in particular countries of origin, transit and destination, relevant regional and international organizations, the private sector and civil society, in promoting an environment that prevents and addresses violence against women migrant workers, including in the context of discrimination, through targeted

---

[12] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[13] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 38* (A/64/38), part one, annex I, decision 42/I.

[14] United Nations, *Treaty Series*, vol. 2220, No. 39481.

[15] CMW/C/GC/1.

measures, and in this regard recognizing the importance of joint and collaborative approaches and strategies at the national, bilateral, regional and international levels,

Recognizing that women migrant workers are important contributors to more equitable, inclusive and sustainable development through the economic and social impacts, as a result of their work, on countries of origin and destination, and underlining the value and dignity of their labour, including the labour of domestic workers,

Recognizing also the particular vulnerability and needs of women and their children at all stages of the migration process, extending from the moment of deciding to migrate, and including transit, engagement in formal and informal employment and integration into the host society, as well as during their return to and reintegration in their countries of origin,

Expressing deep concern at the continuing reports of grave abuses and violence committed against migrant women and girls, including gender-based violence, sexual violence, domestic and family violence, racist and xenophobic acts, discrimination, abusive labour practices, exploitative conditions of work and contemporary forms of slavery, inter alia, all forms of forced labour and trafficking in persons,

Recognizing that one of the key causes of vulnerability for women migrant workers is linked to the high costs of migration and of recruitment, and noting with concern the reports of abuse committed by recruitment and employment agencies and informal brokers,

Recognizing also that the intersection of, inter alia, gender, age, class, race and ethnic discrimination and stereotypes can compound the discrimination faced by women migrant workers and that gender-based violence is a form of discrimination,

Reaffirming the commitment to protect and promote the human rights of all women, including, without discrimination, indigenous women who migrate for work, and in this regard noting the attention paid in the United Nations Declaration on the Rights of Indigenous Peoples[16] to the elimination of all forms of violence and discrimination against indigenous women, as appropriate,

Noting that the priority theme of the sixtieth session of the Commission on the Status of Women will be "Women's empowerment and its link to sustainable development" and that migration can enable equitable, inclusive and sustainable growth and human development for countries of origin and destination, migrants and their families, and in this regard recognizing the potential role and contribution of women migrant workers towards implementing the 2030 Agenda for Sustainable Development and attaining equitable, inclusive and sustainable growth and human development,

Concerned that many migrant women who are employed in the informal economy and in less skilled work are especially vulnerable to abuse and exploitation, underlining in this regard the obligation of States to protect the human rights of migrants so as to prevent and address abuse and exploitation, observing with concern that many women migrant workers take on jobs for which they may be overqualified and in which, at the same time, they may be more vulnerable because

[16] Resolution 61/295, annex.

of poor pay and inadequate social protection, and in this regard welcoming the adoption by the International Labour Conference on 12 June 2015, at its 104th session, of International Labour Organization Recommendation No. 204 on the transition from the informal to the formal economy,

Emphasizing the need for objective, comprehensive and broad-based information, including sex- and age-disaggregated data and statistics, and gender-sensitive indicators for research and analysis, and a wide exchange of experience and lessons learned by individual Member States and civil society in the formulation of targeted policies and concrete strategies to specifically address violence against women migrant workers, including in the context of discrimination,

Realizing that the movement of a significant number of women migrant workers may be facilitated and made possible by means of fraudulent or irregular documentation and sham marriages with the object of migration, that this may be facilitated through, inter alia, the Internet and that those women migrant workers are more vulnerable to abuse and exploitation,

Recognizing the importance of exploring the link between migration and trafficking in persons in order to further efforts towards protecting women migrant workers from violence, discrimination, exploitation and abuse,

Recognizing also that, owing to increasingly complex migration contexts and channels and mixed flows of migrants, refugees and labour migrants find themselves using similar precarious routes to enter more developed countries, and seek work in similar sectors and occupations,

Encouraged by some measures adopted by some countries of destination to alleviate the plight of women migrant workers residing in their areas of jurisdiction and to promote access to justice, such as the establishment of gender-sensitive protection mechanisms for migrant workers, facilitating their access to mechanisms for reporting complaints or providing assistance during legal proceedings,

Underlining the important role of relevant United Nations treaty bodies in monitoring the implementation of human rights conventions, including international labour standards, and of the relevant special procedures, within their respective mandates, in addressing the problem of violence against women migrant workers and in protecting and promoting their human rights and welfare,

1. *Takes note with appreciation* of the report of the Secretary-General on violence against women migrant workers;[17]

2. *Also takes note with appreciation* of the report of the Secretary-General on the review and appraisal of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly,[18] which highlights, inter alia, that overall progress in the implementation of the Platform for Action has been particularly slow for women and girls who experience multiple and intersecting forms of discrimination and that marginalized groups of women, including migrant women, are at particular risk of discrimination and violence;

[17] A/70/205.
[18] E/CN.6/2015/3.

3. *Urges* Member States to consider ratifying relevant International Labour Organization conventions, including Convention No. 97 on migration for employment,[19] Convention No. 143 on migrant workers,[20] Convention No. 181 on private employment agencies[21] and Convention No. 189 on decent work for domestic workers, and to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[14] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[22] the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[23] the 1954 Convention relating to the Status of Stateless Persons[24] and the 1961 Convention on the Reduction of Statelessness,[25] as well as all other human rights treaties that contribute to the protection of the rights of women migrant workers, and also encourages Member States to implement the United Nations Global Plan of Action to Combat Trafficking in Persons;[26]

4. *Takes note* of the reports of the Special Rapporteur of the Human Rights Council on the human rights of migrants submitted to the Council at its seventeenth and twentieth sessions,[27] in particular their elaboration of the vulnerabilities and challenges faced by irregular migrants, including negative public perceptions and limited access to protection, assistance and justice, and of the report of the Special Rapporteur submitted to the Council at its twenty-sixth session,[28] in particular its focus on the most common manifestations of labour exploitation of migrants who are specifically at risk of such exploitation;

5. *Encourages* all United Nations agencies and special rapporteurs on human rights whose mandates touch on the issues of violence against women migrant workers to improve the collection of information on and analysis of those areas within their mandates relating to the current challenges facing women migrant workers, including in supply chains, and also encourages Governments to cooperate with the agencies and special rapporteurs in this regard;

6. *Calls upon* all Governments to incorporate a human rights, gender-sensitive and people-centred perspective in legislation, policies and programmes on international migration and on labour and employment, consistent with their human rights obligations and commitments under human rights instruments, for the prevention of and protection of migrant women against violence and discrimination, exploitation and abuse, to take effective measures to ensure that such migration and labour policies do not reinforce discrimination, and, where necessary, to conduct impact assessment studies of such legislation, policies and programmes in order to

---

[19] United Nations, *Treaty Series*, vol. 120, No. 1616.
[20] Ibid., vol. 1120, No. 17426.
[21] Ibid., vol. 2115, No. 36794.
[22] Ibid., vol. 2237, No. 39574.
[23] Ibid., vol. 2241, No. 39574.
[24] Ibid., vol. 360, No. 5158.
[25] Ibid., vol. 989, No. 14458.
[26] Resolution 64/293.
[27] A/HRC/17/33 and A/HRC/20/24.
[28] A/HRC/26/35.

identify the impact of measures taken and the results achieved in regard to women migrant workers;

7. *Calls upon* Governments to adopt or strengthen measures to protect the human rights of women migrant workers, including domestic and care workers, regardless of their immigration status, including in policies that regulate the recruitment and deployment of women migrant workers, to consider expanding dialogue and cooperation among States on devising innovative methods to promote legal channels of migration, inter alia, in order to deter irregular migration, to consider incorporating a gender perspective into immigration laws in order to prevent discrimination and violence against women, including in independent, circular and temporary migration, and to consider permitting, in accordance with national legislation, women migrant workers who are victims of violence to apply for residency permits independently of abusive employers or spouses, and to eliminate abusive sponsorship systems;

8. *Also calls upon* Governments to address the pull factors for women's irregular migration, including the need to resolve care deficits in labour-importing countries and to regulate, formalize, professionalize and protect the terms and conditions of employment in care work;

9. *Urges* Governments to enhance bilateral, regional, interregional and international cooperation to address violence against women migrant workers, fully respecting international law, including international human rights law, as well as to strengthen efforts to reduce the vulnerability of women migrant workers by adopting minimum wage policies and model contracts, by facilitating effective access to justice and effective action in the areas of law enforcement, prosecution, prevention, capacity-building and victim protection and support, by exchanging information and good practices in combating violence and discrimination against women migrant workers and by fostering sustainable development alternatives to migration in countries of origin;

10. *Also urges* Governments to take into account the best interests of the child by adopting or strengthening measures to promote and protect the human rights of migrant girls, including unaccompanied girls, regardless of their immigration status, so as to prevent labour and economic exploitation, discrimination, sexual harassment, violence and sexual abuse in the workplace, including in domestic work;

11. *Further urges* Governments to strongly encourage all stakeholders, especially the private sector, including employment agencies involved in recruiting women migrant workers, to strengthen the focus on and funding support for the prevention of violence against women migrant workers, in particular by promoting the access of women to meaningful and gender-sensitive information and education on, inter alia, the costs and benefits of migration, rights and benefits to which they are entitled in the countries of origin and employment, overall conditions in countries of employment and procedures for legal migration, as well as to ensure that laws and policies governing recruiters, employers and intermediaries promote adherence to and respect for the human rights, including labour rights, of migrant workers, particularly women;

12. *Encourages* all States to remove obstacles that may prevent the transparent, safe, unrestricted and expeditious transfer of remittances of migrants to

their countries of origin or to any other countries, including, where appropriate, by reducing transaction costs and implementing woman-friendly remittance transfer, savings and investment schemes, including diaspora investment schemes, in conformity with applicable national legislation, and to consider, as appropriate, measures to solve other problems that may impede women migrant workers' access to and management of their economic resources;

13. *Encourages* States to design and implement financial literacy training for women migrant workers and their families in order to gain the full development impact of migration;

14. *Calls upon* States to address the structural and underlying causes of violence against women migrant workers through education, dissemination of information and awareness-raising, by promoting their empowerment and access to decent work by, inter alia, fostering their integration into the formal economy, in particular in economic decision-making, and by promoting their participation in public life, as appropriate;

15. *Calls upon* Governments to recognize the right of women migrant workers, regardless of their immigration status, to have access to emergency health care, particularly in times of humanitarian crisis situations, including natural disasters and other emergency environments, and in this regard to ensure that women migrant workers are not discriminated against on the grounds of pregnancy and childbirth and, in accordance with national legislation, to address the vulnerabilities to HIV experienced by migrant populations and support their access to HIV prevention, treatment, care and support;

16. *Also calls upon* Governments to eliminate mandatory HIV testing and pregnancy testing prior to and during migration;

17. *Urges* States that have not yet done so to adopt and implement legislation and policies that protect all women migrant workers, including those in domestic work, to include therein, and improve where necessary, relevant monitoring and inspection measures in line with applicable International Labour Organization conventions and other instruments to ensure compliance with international obligations and to grant women migrant workers in domestic service access to gender-sensitive, transparent mechanisms for bringing complaints against recruitment agencies and employers, including terminating their contracts in case of labour and economic exploitation, discrimination, sexual harassment, violence and sexual abuse in the workplace, while stressing that such instruments should not punish women migrant workers, and calls upon States to promptly investigate and punish all violations of their rights;

18. *Calls upon* Governments, in cooperation with international organizations, non-governmental organizations, the private sector and other stakeholders, to provide women migrant workers who are victims of violence, irrespective of their immigration status, in line with domestic legislation, with the full range of emergency assistance and protection and, to the extent possible, gender-sensitive services that are culturally and linguistically appropriate, in accordance with relevant international human rights instruments and applicable conventions;

19. *Also calls upon* Governments to ensure that legislative provisions and judicial processes are in place for women's access to justice, to enhance, develop or maintain legal frameworks and specific gender-sensitive policies to explicitly meet

the needs and rights of women migrant workers and to take appropriate steps to reform existing legislation and policies to capture their needs and protect their rights;

20. *Further calls upon* Governments, in particular those of the countries of origin and destination, to put in place penal and criminal sanctions, in order to punish perpetrators of violence against women migrant workers and intermediaries, and gender-sensitive redress and justice mechanisms that victims can access effectively and that allow their views and concerns to be presented and considered at appropriate stages of proceedings, including other measures that will allow victims to be present during the judicial process, when possible, and to protect women migrant workers who are victims of violence from revictimization, including by authorities;

21. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of women migrant workers and to take action to prevent and punish any form of illegal deprivation of the liberty of women migrant workers by individuals or groups;

22. *Encourages* Governments to formulate and implement training programmes for their law enforcement officials, immigration officers and border officials, diplomatic and consular officials, judiciary, prosecutors, public sector medical staff and other service providers, with a view to sensitizing those public sector workers to the issue of violence against women migrant workers and imparting to them the necessary skills and attitude to ensure the delivery of proper, professional and gender-sensitive interventions;

23. *Also encourages* Governments to promote coherence between migration, labour and anti-trafficking policies and programmes concerning women migrant workers, based on a human rights, gender-sensitive and people-centred perspective, to ensure that the human rights of women migrant workers are protected throughout the migration process and to enhance efforts to prevent violence against women migrant workers, prosecute perpetrators and protect and support victims and their families;

24. *Calls upon* States, in accordance with the provisions of article 36 of the Vienna Convention on Consular Relations,[29] to ensure that, if a woman migrant worker is arrested or committed to prison or custody pending trial, or is detained in any other manner, the competent authorities respect her freedom to communicate with and have access to the consular officials of the country of her nationality and, in this regard, to inform without delay, if that woman migrant worker so requests, the consular post of her State of nationality;

25. *Invites* the United Nations system and other concerned intergovernmental and non-governmental organizations to cooperate with Governments, within existing resources, towards a better understanding of the issues concerning women and international migration, and to improve the collection, dissemination and analysis of sex- and age-disaggregated data and information in order to assist in the formulation of migration and labour policies that are, inter alia, gender-sensitive and that protect human rights, as well as to aid in policy assessment and to continue to support national efforts to address violence against women migrant workers in a

[29] United Nations, *Treaty Series*, vol. 596, No. 8638.

coordinated way that ensures effective implementation, enhances their impact and strengthens positive outcomes for women migrant workers;

26. *Encourages* Governments to formulate national policies concerning women migrant workers that are based on up-to-date, relevant sex-disaggregated data and analysis, in close consultation with women migrant workers and relevant stakeholders throughout the policy process, and also encourages Governments to ensure that this process is adequately resourced and that the resulting policies have measurable targets and indicators, timetables and monitoring and accountability measures, in particular for employment agencies, employers and public officials, and provide for impact assessments and ensure multi-sector coordination within and between countries of origin, transit and destination through appropriate mechanisms;

27. *Encourages* concerned Governments, in particular those of the countries of origin, transit and destination, to avail themselves of the expertise of the United Nations, including the Statistics Division of the Department of Economic and Social Affairs of the Secretariat, the International Labour Organization and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), to develop and enhance appropriate sex-disaggregated national data collection, analysis and dissemination methodologies that will generate comparable data, and tracking and reporting systems on violence against women migrant workers and, wherever possible, on violations of their rights at all stages of the migration process, and:

(a) To further study the costs of violence against women, including migrant workers, to the women themselves, their families and their communities;

(b) To analyse the opportunities available to women migrant workers and their impact on development;

(c) To support the improvement of macrodata on migration costs and on remittances, for appropriate policy formulation and implementation;

28. *Requests* Governments and international organizations to take appropriate measures to give due consideration to the declaration of the United Nations High-level Dialogue on International Migration and Development,[11] held in New York on 3 and 4 October 2013, in order to ensure that the human rights and human development aspects of women's migration are adequately integrated into national, regional and international development policy and practice, such as poverty reduction strategies and strategies aimed at implementing the 2030 Agenda for Sustainable Development;

29. *Encourages* the United Nations system and related entities to continue and step up their efforts and promote partnerships with all stakeholders, including civil society organizations, and to coordinate their work in support, as appropriate, of effective implementation of relevant international and regional instruments in order to enhance their impact through concrete positive outcomes for the advancement of women migrant workers' rights;

30. *Requests* the Secretary-General to provide a comprehensive, analytical and thematic report to the General Assembly at its seventy-second session on the problem of violence against women migrant workers and on the implementation of the present resolution, taking into account updated information from the

organizations of the United Nations system, in particular the International Labour Organization, the United Nations Development Programme, UN-Women and the United Nations Office on Drugs and Crime, as well as the reports of special rapporteurs that refer to the situation of women migrant workers and other relevant sources, such as the International Organization for Migration, including non-governmental organizations.